

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RUSSEL BATES,

Plaintiff,

v.

FEDERAL EXPRESS CORPORATION,

Defendant.

Case No. 2:24-cv-10078

HONORABLE STEPHEN J. MURPHY, III

**ORDER TRANSFERRING CASE
TO THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE**

Plaintiff Russell Bates sued Defendant Federal Express for the alleged denial of benefits under the Employee Retirement Income Security Act (ERISA). ECF 1. The parties then stipulated that the applicable benefits plan contains a forum selection clause that provides that disputes should be raised in the United States District Court for the Western District of Tennessee. “When the parties have agreed to a valid forum-selection clause, a district court should ordinarily transfer the case to the forum specified in that clause.” *Atl. Marine Constr. Co. v. U.S. Dist. Ct. for W. Dist. of Tex.*, 571 U.S. 49, 62 (2013). “Only under extraordinary circumstances unrelated to the convenience of the parties should a § 1404(a) motion be denied.” *Id.* No such exceptional factors appear to be present in this case. The Court will therefore transfer the case.

WHEREFORE, it is hereby **ORDERED** that the Clerk of the Court must **TRANSFER** the case to the United States District Court for the Western District of Tennessee.

SO ORDERED.

s/ Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: February 12, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 12, 2024, by electronic and/or ordinary mail.

s/ R. Loury
Case Manager

**STIPULATION TO TRANSFER CASE
TO THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE**

Whereas Plaintiff Russell A. Bates and Defendant Federal Express Corporation, by and through their respective counsel, (collectively the “Parties”) agree and stipulate to the following:

1. On January 10, 2024, Plaintiff Russell A. Bates filed his Complaint (Dkt. No. 1) against Defendant Federal Express Corporation for the denial of long-term disability benefits under the Employee Retirement Income Security Act (“ERISA”), 29 U.S.C. § 1001 et. seq.

2. The Parties agree and stipulate that the applicable Federal Express Corporation Long-Term Disability Plan contains a forum selection clause that provides that the Parties “shall submit to the jurisdiction of the United States Court for the Western District of Tennessee for adjudication of disputes arising thereunder.”

3. The Parties agree and stipulate that this case arises from the terms of the Federal Express Corporation’s disability plan and should be transferred to the U.S. District Court for the Western District of Tennessee.

4. The Parties agree that Defendant Federal Express Corporation will file its responsive pleading within 14 days of the case being transferred to and accepted by the U.S. District Court for the Western District of Tennessee.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between undersigned counsel for the Parties that:

This action will be transferred to the U.S. District Court for the Western District of Tennessee, pursuant to 28 U.S.C. § 1404(a).

Dated: February 8, 2024

/s/ Donald W. Busta, Jr.

Donald W. Busta, Jr.

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